



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION
312 North Spring Street, Room G-8
Los Angeles, CA 90012
Tel: (213) 894-3535

SOUTHERN DIVISION
411 West Fourth Street, Suite 1053
Santa Ana, CA 92701-4516
(714) 338-4750

EASTERN DIVISION
3470 Twelfth Street, Room 134
Riverside, CA 92501
(951) 328-4450

SHERRI R. CARTER
District Court Executive and
Clerk of Court

April 12, 2007

United States
Courthouse, 16th Floor
450 Golden Gate Avenue
San Francisco, CA

Re: Transfer to U.S. Magistrate Judge

Case No. MJ-07-500

Case Title: USA V JOSE CLEMENTE LOPEZ-PADILLA

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

FILED

APR 16 2007

4-07-70197-WOB

Dear Sir/Madam:

Pursuant to Rule 40 of the Federal Rules of Criminal Procedure, enclosed are the following:

- Certified copy of entire case file.
- Certified copy of docket sheet
- Letter re status of property bond
- Original bond enclosed
 - Original bond to be forwarded by the Fiscal Section
 - Certified copy of final commitment
 - Original Passport
 - Original Declaration re: Passport
- Other Document #5- NFPV

Please acknowledge receipt on the copy of this letter and return to this office.

Sincerely,

Clerk, U.S. District Court

By S. English *S. English*
Deputy Clerk 213-894-8288

cc: U.S. Attorney (Central District of California)
U.S. Attorney (Receiving district)

Receipt of the above-described documents is acknowledged herewith and assigned case number:

Clerk, U.S. District Court

By _____
Deputy Clerk

Date _____

FILED

2007 APR 10 AM 10:49

CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELESUNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

United States of America

CASE NUMBER

07-0500M

PLAINTIFF(S)

4-07

v.

DEFENDANT(S)

AFFIDAVIT RE
OUT-OF-DISTRICT WARRANT

The above-named defendant was charged by: Complaint
 in the North District of California on APRIL 3, 2007
 at a.m. / p.m. The offense was allegedly committed on or about JANUARY 19, 2007
 in violation of Title 8 U.S.C., Section(s) 1324
 to wit: _____

A warrant for defendant's arrest was issued by: _____

Bond of \$ _____ was set / recommended.

Type of Bond:

Relevant document(s) on hand (attach):

I swear that the foregoing is true and correct to the best of my knowledge.

Sworn to before me, and subscribed in my presence on 4-10-07A. English, Deputy Clerk.

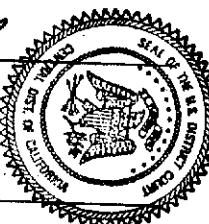
Signature of Agent

OHS-ICO

Agency

Anthony Q. Settle
Print Name of AgentIEA
Title

1084



I hereby attest and certify on
that the foregoing document is a full, true
and correct copy of the original on file in
my office, and in my legal custody.

CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
4-12-07
Deputy Clerk

FILED

2007 APR 10 AM 10:49
 CLERK U.S. DISTRICT COURT
 CENTRAL DISTRICT OF CALIF.
 LOS ANGELES
 pm

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

PLAINTIFF

v.

JOSE CLEMENTE LOPEZ-PADILLA

CASE NUMBER

07-0500M

DEFENDANT(S).

4:07-70197
 REPORT COMMENCING CRIMINAL
 ACTION

TO: CLERK'S OFFICE, U. S. DISTRICT COURT

All items are to be completed. Information not applicable or unknown will be indicated as "N/A".

1. Date and time of arrest 3/20/2007 0700 AM / PM
2. Charges under which defendant has been booked at Metropolitan Detention Center (MDC):
8 USC 1326
3. Offense charged is a: Felony Minor Offense Petty Offense Other Misdemeanor
4. U.S. Citizen: Yes No Unknown
5. Year of Birth: 1973
6. The defendant is:
 - Presently in custody on this charge.
 - At liberty on bond posted before a Magistrate Judge.
 - At liberty and warrant is requested.
 - Federal - In custody on another conviction.
 - State - In custody awaiting trial on these charges.
7. Place of detention (if out-of-district): U.S. MS.
8. Date detainer placed on defendant: APRIL 3, 2007
9. This is a reprocsecution of previously dismissed charges. (Docket/Case No. N/A)
10. Name of Pretrial Services Officer: N/A
11. Remarks (if any): N/A
12. Date: April 10, 2007
13. Signature: Anthony J. Sutton
14. Name: ANTHONY J. SUTTON
15. Title: FEA

I hereby attest and certify on 4-12-07 that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

CLERK U.S. DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 Anthony J. Sutton
 DEPUTY CLERK



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	Plaintiff,	Western Division
vs.		Case Number: 2:07-MJ-00500 Initial App. Date: 04/10/2007
Jose Clemente Lopez-Padilla	Defendant.	Out of District Affidavit Initial App. Time: 2:00 PM
		Date Filed: 04/10/2007 Violation: 8:1326 Tape Number: CS - 4/10/07

PROCEEDINGS HELD BEFORE UNITED STATES
MAGISTRATE JUDGE: Margaret A. NagleCALENDAR/PROCEEDINGS SHEET
LOCAL/OUT-OF-DISTRICT CASEPRESENT: Cindy De La Torre *Rod Castro-Silva* Spanish Deputy Clerk Assistant U.S. Assistant

Interpreter/Language

 Defendant informed of charge and right to: remain silent; appointment of counsel, if indigent; right to bail; bail review and preliminary hearing OR removal hearing / Rule 20. Defendant states true name is as charged is Defendant advised of consequences of false statement in financial affidavit. Financial Affidavit ordered SEALED. Attorney: Humberto Diaz, DFPD Appointed Prev. Appointed Poss. Contribution (see separate order) Special appearance by: _____ Government's request for detention is: GRANTED DENIED WITHDRAWN CONTINUED Defendant is ordered: Permanently Detained Temporarily Detained (see separate order). BAIL FIXED AT \$ _____ (SEE ATTACHED COPY OF CR-1 BOND FORM FOR CONDITIONS) Government moves to UNSEAL Complaint/Indictment/Information/Entire Case: GRANTED DENIED Preliminary Hearing waived. PO/PSA WARRANT Counsel are directed to contact the clerk for District Judge _____ for the setting of further proceedings. Preliminary Hearing set for _____ at 4:30 PM _____ PIA set for: _____ at 8:30 AM in LA; at 3:00 PM in Riverside; at 10:00 AM in Santa Ana Government's motion to dismiss case/defendant _____ only: GRANTED DENIED Defendant's motion to dismiss for lack of probable cause: GRANTED DENIED Defendant executed Waiver of Rights. Process received. Court ORDERS defendant Held to Answer to NO District of CA @ San Francisco Bond to transfer, if bail is posted. Defendant to report on or before _____ Warrant of removal and final commitment to issue. Warrant of removal and final commitment are ordered stayed until _____ Case continued to (Date) _____ (Time) _____ AM / PM 10:44 /Duty Magistrate Judge

Type of Hearing: _____ Before Judge _____

Proceedings will be held in the Duty Courtroom _____ Judge's Courtroom _____ Defendant committed to the custody of the U.S. Marshal Summons: Defendant ordered to report to USM for processing Abstract of Court Proceeding (CR-53) issued. Copy forwarded to USM. Abstract of Order to Return Defendant to Court on Next Court Day (M-20) issued. Original forwarded to USM. RELEASE ORDER NO: _____ Other: _____ PSA FINANCIAL READYDeputy Clerk Initials CG

Filed 04/16/2007 Page 5 of 22

Entered 04/10/2007 11:11 AM

1 || GEORGE S. CARDONA
2 || Acting United States Attorney
3 || THOMAS P. O'BRIEN
4 || Assistant United States Attorney
5 || Chief, Criminal Division
6 || BRENTON P. GEE (Cal. SBN: 188048)
7 || Special Assistant United States Attorney

5 1200 United States Courthouse
312 North Spring Street
6 Los Angeles, California 90012
Telephone: (213) 894-6875
7 Facsimile: (213) 894-0141
E-mail: brenton.p.gee@usdoj.gov

9 Attorneys for Plaintiff
United States of America

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Case No. 07-500N

Plaintiff,

GOVERNMENT'S NOTICE OF REQUEST
FOR DETENTION

1

16 Jose Clemente Lopez-Padilla,

Defendant.

19 Plaintiff, United States of America
20 counsel of record, hereby requests defendant
21 notice of the following material factors:

CLERK, U.S. DISTRICT COURT
APR 10 2007
CENTRAL DISTRICT OF CALIFORNIA
BY *[Signature]* DEPUTY

I hereby attest and certify on 4-12-07 that the foregoing document is a true and correct copy of the original on file in my office, and in my legal custody.



1 ____ c. flight risk;

2 ____ d. danger to community.

3 X 2. Pretrial Detention Requested (§ 3142(e)) because no
4 condition or combination of conditions will
5 reasonably assure against:

6 X a. danger to any other person or the community;

7 X b. flight.

8 ____ 3. Detention Requested Pending Supervised
9 Release/Probation Revocation Hearing (Rules
10 32.1(a)(6), 46(d), and 18 U.S.C. § 3143(a)):

11 ____ a. Defendant cannot establish by clear and
12 convincing evidence that he/she will not pose a
13 danger to any other person or to the community;

14 ____ b. Defendant cannot establish by clear and
15 convincing evidence that he/she will not flee.

16 ____ 4. Presumptions Applicable to Pretrial Detention (18
17 U.S.C. § 3142(e)):

18 ____ a. Title 21 or Maritime Drug Law Enforcement Act
19 ("MDLEA") (46 U.S.C. App. 1901 et seq.) offense
20 with 10-year or greater maximum penalty
21 (presumption of danger to community and flight
22 risk);

23 ____ b. offense under 18 U.S.C. § 924(c) (firearm
24 used/carried/possessed during/in relation to/in
25 furtherance of crime), § 956(a), or § 2332b
26 (presumption of danger to community and flight
27 risk);

28

1 ____ c. offense involving a minor victim under 18 U.S.C.
2 §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245,
3 2251, 2251A, 2252(a)(1)-(a)(3), 2252A(a)(1)-
4 2252A(a)(4), 2260, 2421, 2422, 2423 or 2425
5 (presumption of danger to community and flight
6 risk);
7 ____ d. defendant currently charged with (I) crime of
8 violence, (II) offense with maximum sentence of
9 life imprisonment or death, (III) Title 21 or
10 MDLEA offense with 10-year or greater maximum
11 sentence, or (IV) any felony if defendant
12 previously convicted of two or more offenses
13 described in I, II, or III, or two or more state
14 or local offenses that would qualify under I, II,
15 or III if federal jurisdiction were present, or a
16 combination of such offenses, AND defendant was
17 previously convicted of a crime listed in I, II,
18 or III committed while on release pending trial,
19 AND the current offense was committed within five
20 years of conviction or release from prison on the
21 above-described previous conviction (presumption
22 of danger to community).
23 X 5. Government Is Entitled to Detention Hearing
24 Under § 3142(f) If the Case Involves:
25 ____ a. a crime of violence (as defined in 18 U.S.C.
26 § 3156(a)(4)) or Federal crime of terrorism (as
27 defined in 18 U.S.C. § 2332b(g)(5)(B)) for which
28

maximum sentence is 10 years' imprisonment or more;

____ b. an offense for which maximum sentence is life imprisonment or death;

____ c. Title 21 or MDLEA offense for which maximum sentence is 10 years' imprisonment or more;

____ d. instant offense is a felony and defendant has two or more convictions for a crime set forth in a-c above or for an offense under state or local law that would qualify under a, b, or c if federal jurisdiction were present, or a combination or such offenses;

____ e. any felony not otherwise a crime of violence that involves a minor victim or the possession or use of a firearm or destructive device (as defined in 18 U.S.C. § 921), or any other dangerous weapon, or involves a failure to register under 18 U.S.C. § 2250;

f. serious risk defendant will flee;

____ g. serious risk defendant will (obstruct or attempt to obstruct justice) or (threaten, injure, or intimidate prospective witness or juror, or attempt to do so).

6. Government requests continuance of _____ days for detention hearing under § 3142(f) and based upon the following reason(s):

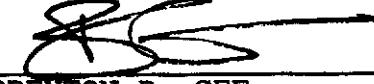
1 _____
2 _____
3 _____
4 7. Good cause for continuance in excess of three days
5 exists in that:
6 _____
7 _____
8 _____
9

10 DATED: April 6, 2007

Respectfully submitted,

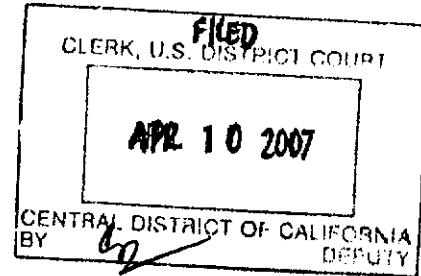
11 GEORGE S. CARDONA
12 Acting United States Attorney

13 THOMAS P. O'BRIEN
14 Assistant United States Attorney
15 Chief, Criminal Division

16 
17 BRENTON P. GEE
18 Special Assistant United States
19 Attorney

20 Attorneys for Plaintiff
21 UNITED STATES OF AMERICA

22
23
24
25
26
27
28



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 07-500M

JOSE CLEMENTE LOPEZ-PADILLA,

Defendant.

ORDER OF DETENTION

CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY CLERK

I hereby attest and certify on 4-12-07 that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.



I.

A. On motion of the Government in a case allegedly involving:

1. a crime of violence.
2. an offense with maximum sentence of life imprisonment or death.
3. a narcotics or controlled substance offense with maximum sentence of ten or more years.
4. any felony - where defendant convicted of two or more prior offenses described above.
5. any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18 U.S.C. § 2250.

B. On motion by the Government / on Court's own motion, in a case

1 allegedly involving:

2 () On the further allegation by the Government of:

3 1. a serious risk that the defendant will flee.

4 2. () a serious risk that the defendant will:

5 a. () obstruct or attempt to obstruct justice.

6 b. () threaten, injure, or intimidate a prospective witness or juror or
7 attempt to do so.

8 C. The Government () is/ is not entitled to a rebuttable presumption that no
9 condition or combination of conditions will reasonably assure the defendant's
10 appearance as required and the safety of any person or the community.

11
12 II.

13 A. The Court finds that no condition or combination of conditions will
14 reasonably assure:

15 1. the appearance of defendant as required.

16 and/or

17 2. the safety of any person or the community.

18 B. () The Court finds that the defendant has not rebutted by sufficient
19 evidence to the contrary the presumption provided by statute.

20
21 III.

22 The Court has considered:

23 A. the nature and circumstances of the offense(s) charged, including whether the
24 offense is a crime of violence, a Federal crime of terrorism, or involves a minor
25 victim or a controlled substance, firearm, explosive, or destructive device;

26 B. the weight of evidence against the defendant;

27 C. the history and characteristics of the defendant; and

28 D. the nature and seriousness of the danger to any person or to the community.

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2 IV.
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8 The Court also has considered all the evidence adduced at the hearing and the
9 arguments and/or statements of counsel, and the Pretrial Services
10 Report/recommendation.
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16 V
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18

19 The Court bases the foregoing finding(s) on the following:
20
21

22 A. As to flight risk:
23

24 The defendant is a citizen of Mexico and has
25 been deported on three prior occasions.
26 He is illegally present in the United States at
27 this time. Further, he appears to have used
28 multiple aliases.
29
30

31 B. As to danger:
32

33 He has an extensive criminal history and has
34 sustained felony and misdemeanor convictions
35 for drug related crimes.
36
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39 VI
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42 A. The Court finds that a serious risk exists the defendant will:
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44

45 1. obstruct or attempt to obstruct justice.
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48 2. attempt to/ threaten, injure or intimidate a witness or juror.
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1 B. The Court bases the foregoing finding(s) on the following:

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VII

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11 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.

12 B. IT IS FURTHER ORDERED that the defendant be committed to the custody

13 of the Attorney General for confinement in a corrections facility separate, to

14 the extent practicable, from persons awaiting or serving sentences or being

15 held in custody pending appeal.

16 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable

17 opportunity for private consultation with counsel.

18 D. IT IS FURTHER ORDERED that, on order of a Court of the United States

19 or on request

20 of any attorney for the Government, the person in charge of the corrections facility

21 in which defendant is confined deliver the defendant to a United States marshal for

22 the purpose of an appearance in connection with a court proceeding.

23

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DATED: April 10, 2007

Margaret A. Nade
UNITED STATES MAGISTRATE JUDGE

ORDER OF DETENTION AFTER HEARING (18 U.S.C. §3142(i))

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

PLAINTIFF

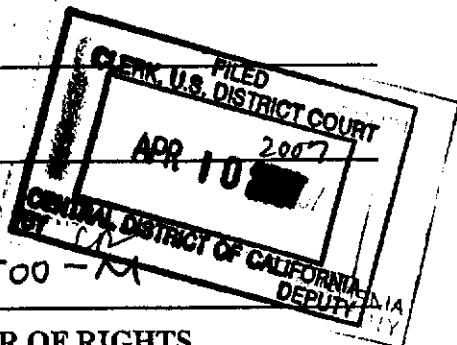
CASE NUMBER:

1

Jose Clemente Lopez-Padilla

DEFENDANT.

**WAIVER OF RIGHTS
(OUT OF DISTRICT CASES)**



I understand that charges are pending in the Northern District of California
alleging violation of 8 § 1326 and that I have been arrested in this district and
(Title and Section / Probation / Supervised Release)

taken before a United States Magistrate Judge, who has informed me of the charge(s) and my rights to:

(1) have an identity hearing to determine whether I am the person named in the charges;
(2) receive a copy of the charge(s) against me;

-Check one only-

EXCLUDING PROBATION OR SUPERVISED RELEASE CASES:

(3) have a preliminary examination (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and

(4) request transfer of the proceedings to this district under Rule 20, Fed.R.Crim.P., in order to plead guilty.

PROBATION OR SUPERVISED RELEASE CASES:

(3) have a preliminary hearing (if the violation charged allegedly occurred in this district, and I am held in custody solely on that charge) under Rule 32.1(b), Fed.R.Crim.P., to determine whether there is probable cause to believe I have violated the terms of my probation/supervised release.

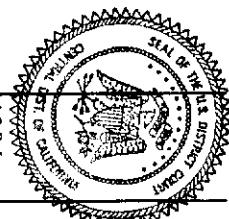
I HEREBY WAIVE (GIVE UP) MY RIGHT(S) TO:

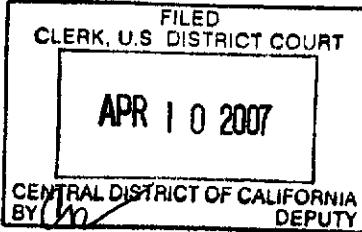
Jo Se
Defendant

Defense Counsel

Margaret A. Nagle
United States Magistrate Judge

Date: 04/10/07





UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
vs.
Jose Clemente Lopez-Padilla

Plaintiff(s),
Defendant(s).

Case Number: 2:07-MJ-00500

**FINAL COMMITMENT AND WARRANT OF
REMOVAL**

Northern District of California
at San Francisco
(City)

To: United States Marshal for the Central District of California

The above-named defendant is hereby remanded to your custody and you are hereby ORDERED to remove him/her forthwith, along with a certified copy of this Commitment, to the custodian of a place of confinement within the District of Origin, approved by the Attorney General of the United States, where the defendant shall be received and safely kept until discharged in due course of law.

This defendant was arrested in this District after:

filing of a complaint before a U.S. Magistrate Judge
U.S. District Judge/Magistrate Judge/Clerk from the District of Origin charging that on or about January 19, 2007, in the District of Origin, the defendant ~~did~~: ^{was} having been previously deported from the United States, was found in Contra Costa County in Northern California without having obtained express consent for re-application for admission in violation of Title(s) 8 USC 1326

The defendant has now:

duly waived identity hearing before me on April 10, 2007.
 duly waived preliminary examination before me on April 10, 2007.
 Permanent detention has been ordered.

April 10, 2007

Date

I hereby attest and certify on 4/12/07 that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

Margaret A. Nagle
Margaret A. Nagle
CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
A. Nagle
DEPUTY CLERK

RETURN

Received this commitment and designated prisoner on _____, committed him to _____

certified copy of the within temporary commitment.

United States Marshal, Central District of California



Date

Deputy

RECEIVED
 I hereby certify that the annexed
 instrument is a true and correct copy
 of the original issued in my office.
 ATTEST:

RICHARD W. WICKING

Clerk, U.S. District Court

Northern District of California

By:

4/16/07 The Clerk

Date

WKO 442 (Rev. 10/03) Warrant for Arrest

UNITED STATES DISTRICT COURT

NORTHERN District of CALIFORNIA

UNITED STATES OF AMERICA
v.

JOSE CLEMENTE LOPEZ-PADILLA

WARRANT FOR ARREST

Case Number:

4 · 07-70197

07-0500M

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest

JOSE CLEMENTE LOPEZ-PADILLA

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

Indictment Information Complaint Order of court Probation Violation Petition Supervised Release Violation Petition Violation Notice

charging him or her with (brief description of offense)

On January 19, 2007, the defendant Jose Clemente Lopez-Padilla, an alien having been previously deported from the United States, was found in Contra Costa County in the State and Northern District of California, without having obtained express consent for re-application for admission from either the Attorney General of the United States or his successor, the Secretary for Homeland Security (Title 6, United States Code, Sections 202(3), (4) and 557).

NO BAIL

in violation of Title 8

United States Code, Section(s)

1325

Edward M. Chen

Name of Issuing Officer

U.S. Magistrate Judge

Title of Issuing Officer

Signature of Issuing Officer

4/16/07

San Francisco, CA

Date and Location

RETURN

This warrant was received and executed with the arrest of the above-named defendant at

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

OA 91 Criminal Complaint

United States District Court

NORTHERN

DISTRICT OF
ORIGINAL
FILED

CALIFORNIA

UNITED STATES OF AMERICA
v.

APR X 3 2007

CRIMINAL COMPLAINT

4 • 07 - 70197

WDB

Jose Clemente Lopez-Padilla

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case Number:

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state that the following is true and correct to the best of my knowledge and belief. On or about January 19, 2007 in Contra Costa County, in the State and Northern District of the NORTHERN District of CALIFORNIA defendant(s) did,

(Track Statutory Language of Offense)

an alien having been previously deported from the United States, was found in Contra Costa County in the State and Northern District of California, without having obtained express consent for re-application for admission from either the Attorney General of the United States or his successor, the Secretary for Homeland Security (Title 6, United States Code, Sections 202(3), (4) and 557)

in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:

See Attached Affidavit Incorporated herein by reference.

Maximum Penalties: 20 years imprisonment; \$250,000.00 fine; 3 years supervised release and \$100 special assessment.

Continued on the attached sheet and made a part hereof:

Yes No

Approved Bryan R. Whittaker
As To Form: BRYAN R. WHITTAKER, Special Assistant U.S. Attorney
AUSA

Cecile Andrews, Deportation Officer, ICE
Name/Signature of Complainant

Sworn to before me and subscribed in my presence,

Date

EDWARD M. CHEN

U.S. Magistrate Judge

Name & Title of Judicial Officer

Signature of Judicial Officer

4/3/07
at San Francisco, California
City and State

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Cecyle J. Andrews, being duly sworn, do hereby state:

1. I am a Deportation Officer with the United States Department of Homeland Security ("DHS"), Immigration and Customs Enforcement ("ICE"). I have been employed in this capacity since December 18, 1988.
2. I have reviewed the official Alien Registration File and the automated criminal records relating to Jose Clemente Lopez-Padilla ("Lopez"), which attest to the following:
 - a. Lopez is a thirty-three (33) year-old male, native and citizen of Mexico, who last entered the United States illegally by crossing the international border on an unknown date in 2004, at or near Nogales, Arizona, in an unknown manner, without first having obtained the consent of the Attorney General of the United States or the U.S. Secretary of Homeland Security.
 - b. Lopez's official Alien Registration File contains executed Warrants of Deportation indicating that Jose Clemente Lopez-Padilla was deported from the United States to Mexico through Nogales, Arizona on March 2, 1998 and August 23, 2001, and through Otay Mesa, California on March 6, 2004.
3. On January 19, 2007, Immigration and Customs Enforcement Officers encountered Lopez in Santa Rita County Jail pursuant to his arrest on unrelated charges. On that same date, an immigration detainer was lodged.

04/03/2007 15:33

51063 724

US ATTORNEYS C DE

PAGE 02/03

4. On March 9, 2007, Immigration Enforcement Officer Ken Porter interviewed Lopez at Santa Rita County Jail. Lopez provided a sworn statement in which he admitted that he was a citizen and national of Mexico, and that he had been previously deported to Mexico.
5. On March 29, 2007, a full set of rolled fingerprints belonging to Lopez were submitted to the Automated Fingerprint Identification Center ("AFIS") for verification of identity. The fingerprint examiner positively identified the fingerprints as belonging to the same Jose Clemente Lopez-Padilla who had previously been removed from the United States as referenced above in paragraph 2.
6. On March 22, 2007, Lopez was released to ICE's Lancaster Office in Southern California. Lopez's fingerprints and photos were submitted into the Auto Biometric Identification System ("IDENT"). IDENT information confirmed Lopez's identity.
7. There is no indication in the official files of the United States Department of Homeland Security that Lopez ever applied for or obtained the permission of the United States Attorney General or the Secretary of Homeland Security to reenter the United States.

04/03/2007 15:33 510637 4

US ATTORNEYS O E

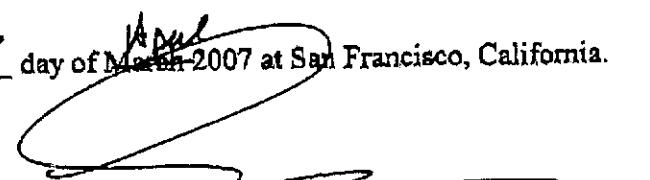
PAGE 03/03

8. Based upon the facts described above, I believe that there is probable cause that the defendant, Jose Clemente Lopez-Padilla, having previously been deported from the United States, has been found in the United States without the required permission, and is in violation of Title 8, United States Code, Section 1326.



Cecyle J. Andrews
Deportation Officer
U.S. Department of Homeland Security
Immigration and Customs Enforcement
San Francisco, California

Subscribed and sworn to before me this 3 day of ~~March~~ 2007 at San Francisco, California.



Honorable Edward M. Chen
United States Magistrate Judge
Northern District of California
San Francisco, California

U.S. District Court
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)
CRIMINAL DOCKET FOR CASE #: 2:07-mj-00500-DUTY-ALL
Internal Use Only

Case title: USA v. Lopez-Padilla

Date Filed: 04/10/2007

Assigned to: Duty Magistrate Judge

Defendant

Jose Clemente Lopez-Padilla (1)
TERMINATED: 04/10/2007

represented by **Humberto Diaz**
 Federal Public Defenders Office
 321 E 2nd St
 Los Angeles, CA 90012-4206
 213-894-2854
 Email:
 zzCAC_FPD_Document_Receiving@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or Community
 Defender Appointment*

Pending Counts

None

Disposition

I hereby attest and certify on 4-12-07
 that the foregoing document is a full, true
 and correct copy of the original on file in
 my office, and in my legal custody.

Highest Offense Level (Opening)

None

Disposition**Terminated Counts**

None

Highest Offense Level (Terminated)

None

Complaints

Defendant in violation of: 8:1326

Disposition

Court ORDERS defendant held to appear to
 Northern District of California at San
 Francisco.

**Plaintiff**

USA

represented by **US Attorney's Office**
 AUSA - Office of US Attorney
 312 N Spring St, 12th Floor
 Los Angeles, CA 90012-4700
 213-894-2434

Date Filed	#	Docket Text
03/20/2007		***Defendant Jose Clemente Lopez-Padilla ARRESTED (Rule 5(c)(3) (sce,) (Entered: 04/12/2007)
04/10/2007	●1	AFFIDAVIT RE: OUT-OF-DISTRICT WARRANT (Rule 5(c)(3)) filed as to defendant Jose Clemente Lopez-Padilla, originating in the Northern District of California, San Francisco. Defendant charged in violation of: 8:1326. Signed by agent Anthony Settle, DHS-ICE. (sce,) (Entered: 04/12/2007)
04/10/2007	●2	REPORT COMMENCING CRIMINAL ACTION as to Defendant Jose Clemente Lopez-Padilla; defendants Year of Birth: 1973; date of arrest: 3/20/2007. (sce,) (Entered: 04/12/2007)
04/10/2007	●3	Defendant Jose Clemente Lopez-Padilla arrested on warrant issued by the USDC Northern District of California at San Francisco. (sce,) (Entered: 04/12/2007)
04/10/2007	●4	MINUTES OF ARREST ON OUT OF DISTRICT WARRANT held before Magistrate Judge Margaret A. Nagle Defendant arraigned and states true name is as charged. Attorney: Humberto Diaz for Jose Clemente Lopez-Padilla, DFPD, present. Defendant remanded to the custody or currently in the custody of the US Marshal. Court orders defendant held to answer to Northern District of California at San Francisco. Warrant of Removal and final commitment to issue. (Spanish) INTERPRETER Required Tape #: CS 4/10/07. (sce,) (Entered: 04/12/2007)
04/10/2007	●5	FINANCIAL AFFIDAVIT filed as to Defendant Jose Clemente Lopez-Padilla. (sce,) (Entered: 04/12/2007)
04/10/2007	●6	NOTICE OF REQUEST FOR DETENTION filed by Plaintiff USA as to Defendant Jose Clemente Lopez-Padilla. (sce,) (Entered: 04/12/2007)
04/10/2007	●7	ORDER OF DETENTION by Magistrate Judge Margaret A. Nagle as to Defendant Jose Clemente Lopez-Padilla. (sce,) (Entered: 04/12/2007)
04/10/2007	●8	WAIVER OF RIGHTS approved by Magistrate Judge Margaret A. Nagle as to Defendant Jose Clemente Lopez-Padilla. (sce,) (Entered: 04/12/2007)
04/10/2007	●9	WARRANT OF REMOVAL AND COMMITMENT by Magistrate Judge Margaret A. Nagle that Defendant Jose Clemente Lopez-Padilla be removed to the Northern District of California at San Francisco. (sce,) (Entered: 04/12/2007)
04/10/2007		***Magistrate Case Terminated (sce,) (Entered: 04/12/2007)